

The Gazette



of India

PUBLISHED BY AUTHORITY

No. 19] NEW DELHI, SATURDAY, MAY 12, 1951**NOTICE**

The undermentioned Gazettes of India Extraordinary were published during the week ending the 9th May 1951 :—

Issue No.	No. and Date	Issued by	Subject
61	S. R. O. 615, dated the 28th April 1951.	Ministry of Home Affairs.	Extension of the Bengal Finance (Sale Tax) Act, 1941 to the State of Delhi.
62	S. R. O. 616, dated the 1st May 1951.	Ministry of Food and Agriculture.	Fixation of maximum prices of vegetable oil products.
63	S. R. O. 617, dated the 2nd May 1951.	Ditto.	Restriction of transport of sugar, except the places specified in the Schedule.
	S. R. O. 618, dated the 2nd May 1951.	Ditto.	Cancellation of the Notification No. S. R. O. 1138, dated the 28th December 1950.
64	S. R. O. 619, dated the 2nd May 1951.	Ministry of Works, Production and Supply.	Fixation of rates on coal, soft coke and hard coke.
65	S. R. O. 654, dated the 4th May 1951.	Ministry of Commerce and Industry.	Further amendments made in the General Permit No. 1, dated 13th August 1949.
66	S. R. O. 655, dated the 4th May 1951.	Office of the Chief Commissioner, Delhi.	Modified order issued in supersession of Notification No. F 21 (1)/46, dated 25th March 1946.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi, the 7th May 1951

S.R.O. 660.—In exercise of the powers conferred by clause (g) of sub-rule (3) of rule 1 of the Central Civil Services (Temporary Service) Rules, 1949, the Central Government hereby directs that the said rules shall not apply to non-departmental telegraphists and Task Work Messengers employed in the Posts and Telegraphs Department.

[No. 54/5/51-NGS.]
P. M. SUNDARAM, Dy. Secy.

MINISTRY OF STATES

New Delhi, the 3rd May 1951

S.R.O. 661.—In exercise of the powers conferred by sub-section (1) of section 133 of the Code of Civil Procedure, 1908 (V of 1908), the Central Government hereby exempts Rana Raghunath Singh of Kotkhai from personal appearance in the Civil Courts of the State of Himachal Pradesh

[No. 98-P.]

C. GANESAN, Dy. Secy.

New Delhi, the 3rd May 1951

S.R.O. 662.—The Government of India is pleased to make the following amendment in the annexure to the late Political Department notification no. 232-ID, dated 14th August 1947:—

Under sub-head PATIALA, for the entry.

“7440 Sep. Atma Ram”, substitute.

“7440 Sep. Atma Singh”.

[No. 99-D.]

H. C. MAHINDROO, Under Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 1st May 1951

S.R.O. 663.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), and on the recommendation of the Reserve Bank of India, the Central Government hereby declares that the provisions of section 24 of the said Act shall not apply to the Narang Bank of India Limited, Delhi, for a period of one year from the 16th March 1951 i.e. upto the 15th March, 1952.

[No. D.2057 F.I/51.]

New Delhi, the 7th May 1951

S.R.O. 664.—In pursuance of sub-section (1) of section 34 of the Industrial Finance Corporation Act, 1948 (XV of 1948), the Central Government is pleased to appoint Messrs. S. B. Billimoria and Co., Bombay and Messrs S. Valdyanath Aiyar and Co., Delhi to act as Auditors of the Industrial Finance Corporation of India for the year ending the 30th June, 1951.

[No. F.9(31)-F.I/51.]

S. K. SEN, Dy. Secy.

INSURANCE

New Delhi, the 9th May 1951

S.R.O. 665.—In exercise of the powers conferred by the Explanation to section 64 O of the Insurance Act, 1938 (IV of 1938), the Central Government hereby specifies that for the purposes of sections 64 O, 64 P and 64 Q of the said Act the following insurers carrying on general insurance business in the States shall not be deemed to be included amongst insurers carrying on general insurance business namely:—

1. All India Motor Transport Mutual Insurance Company Limited, Poona 2.
2. Canara Motor and General Insurance Company, Kodallbail, South Kanara.
3. Indian Mutual General Insurance Society, Madras.
4. Investment, Trustee and Insurance Corporation Limited, Belgaum.
5. Motor Owners' Mutual Insurance Company, Limited, Belgaum.
6. Millowners' Mutual Insurance Association, Ltd., Bombay.
7. Motor and General Insurance Company Limited, Calcutta.
8. Northern India Transporters Insurance Company Limited, Jullundur City.
9. Orissa Co-operative Insurance Society, Cuttack.
10. Premier Life and General Insurance Company Limited, Madras.
11. Vanguard Fire and General Insurance Company Limited, Madras.

12. Vanguard Insurance Company Limited, Madras.

13. National Employers' Mutual General Insurance Association Limited, Bombay.

[No. 122-I.E.(1)/50-F.]

S.R.O. 666.—In exercise of the powers conferred by the Explanation to section 64 O of the Insurance Act, 1938 (IV of 1938), the Central Government hereby specifies that for the purposes of sections 64 O, 64 P and 64 Q of the said Act, insurers carrying on in the States any one of the undermentioned sub-classes of miscellaneous insurance business or sub-class of marine insurance business, either exclusively or in conjunction with life insurance business only, shall not be deemed to be included amongst insurers carrying on general insurance business namely:—

(1) Sub-classes of miscellaneous insurance business referred to above:

(a) Capital Redemption;

(b) Fidelity Guarantee;

(c) Aviation insurance;

(d) Insurance to provide for the cost of medical, surgical, hospital and nursing home treatments.

(2) Sub-class of marine insurance business referred to above:

Marine insurance relating exclusively to country craft or its cargo or both.

[No. 122-I.E.(1)/50-F.]

S.R.O. 667.—In exercise of the powers conferred by Section 64-T of the Insurance Act, 1938 (IV of 1938), the Central Government hereby exempts every insurer specified in sub-clause (c) of clause (9) of section 2 of the said Act from the operation of all the provisions of Part IIA of the said Act.

[No. 122-I.E.(1)/50-F.]

New Delhi, the 12th May 1951

S.R.O. 668.—In exercise of the powers conferred by the first proviso to section 2C of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to exempt the English and American Insurance Company Limited, an insurer constituted in the United Kingdom as a private company, from the operation of the said section for a period of one year only from the 1st June 1951, for the purpose of carrying on Fire and Marine insurance business within the States.

[No. Ins.A-83(1)/49.]

B. K. KAUL, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

INCOME-TAX

New Delhi, the 1st May 1951

S.R.O. 669.—In exercise of the powers conferred by section 60A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby makes the following exemption:—

No income-tax or super-tax shall be payable by an assessee on the interest receivable on the 3 per cent tax-free loan 1966-76 issued by the former Government of Bhopal so long as such interest is received in the State of Bhopal and is not brought into any other part of the taxable territories. Such interest shall be included in the total income of the assessee for the purposes of sections 16 and 56 of the Indian income-tax Act, 1922.

[No. 36.]

PYARE LAL, Joint Secy.

CENTRAL EXCISES

New Delhi, the 5th May 1951

S.R.O. 670.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government hereby directs that the following further amendment shall be made in the Central Excise Rules, 1944, namely:—

In clause (ii) (A) (h) of rule 2 of the said Rules, for the words "Collector of Customs, Saurashtra, Jamnagar", the words "Collector of Central Excise, Jamnagar" shall be substituted.

[No. 18.]

D. P. ANAND, Dy. Secy.

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CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 5th May 1951

S.R.O. 671.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendments shall be made in the schedule appended to its notification No. 32-Income-tax, dated the 9th November, 1946, namely:—

In the said schedule—

- (1) Under the sub-head "II—Bombay City".
 - (a) After entry '(4) Special Survey Circle II' under 'D' Range, the entry '(5) Special Survey Circle V' shall be added;
 - (b) After entry '(3) Special Survey Circle I' under 'G' Range, the entry '(4) Special Survey Circle IV' shall be added; and
 - (c) After entry '(4) Special Survey Circle III' under 'H' Range, the entry '(5) Special Survey Circle VI' shall be added.
- (2) Under the sub-head 'VII—Madhya Pradesh and Bhopal'—
 - (a) After entry '(4) Wardha' under Nagpur Range, the entry '(5) Special Survey Circle, Nagpur (in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries 1 to 4 above)' shall be added;
 - (b) After entry '(7) Bhopal' under Jabalpur Range, the entry '(8) Special Survey Circle, Nagpur (in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries 1 to 7 above)' shall be added; and
 - (c) After entry '(5) Khandwa' under Akola Range, the entry '(6) Special Survey Circle, Nagpur (in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries 1 to 5 above)' shall be added;
- (3) Under the sub-head 'IX—Bihar and Orissa'—
 - (a) After entry '(5) Dhanbad Circle' under Patna Range, the entry '(6) Special Survey Circle, Patna (in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries 1 to 5 above)' shall be added;
 - (b) After entry '(8) Santhal Parganas' under Muzaffarpur Range, the entry '(9) Special Survey Circle, Patna (in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries 1 to 8 above)' shall be added;
 - (c) After entry '(5) Hazaribagh' under Ranchi Range, the entry '(6) Special Survey Circle, Ranchi (in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries 1 to 5 above)' shall be added; and
 - (d) After entry '(6) Special Circle, Cuttack' under Cuttack Range, the entry '(7) Special Survey Circle, Ranchi (in respect of persons who have their principal place of business in or reside in the jurisdiction of the Income-tax Circles specified in entries 1 to 6 above)' shall be added.

[No. 37.]

S. P. LAHIRI, Secy.

INCOME-TAX

New Delhi, the 7th May 1951

S.R.O. 672.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that with effect from the 17th May 1951 the following further amendments shall be made in its notification No. 32-Income-tax, dated the 9th November, 1946, namely:—

In the Schedule appended to the said notification under the sub-head "VIIA Punjab, Himachal Pradesh, Bllaspur, Patiala and East Punjab States Union" for

the Ranges and Income-tax circles mentioned against them the following Ranges and Income-tax Circles shall be substituted, namely:—

AMRITSAR.

1. Amritsar.
2. Hoshiarpur.
3. Gurdaspur.
4. Jullundur.
5. Ludhiana.
6. Kapurthala.

AMBALA.

1. Ambala.
2. Simla.
3. Salary Circle, Simla.
4. Karnal.
5. Patiala.
6. Sangrur.

ROHTAK.

1. Rohtak
2. Hissar.
3. Ferozepur.
4. Bhatinda.
5. Mahendragarh.

[No. 39.]

K. B. DEB, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

Bombay, the 24th April 1951

S.R.O. 673.—Corrigenda.—In the Ministry of Commerce and Industry Notification No. S.R.O. 204(36), dated the 17th February 1951 published at pages 227-236 of the *Gazette of India Extraordinary*, dated 17th February 1951,

(1) On page 227, in the fourth line of proviso (xiii), delete the letter 's' from the word 'fours'

(2) On page 229, in the fifth line of item (c) (i) for the full stop after the word 'Dhoties', read **Comma**.

(3) On page 232, in the 23rd line under the heading 'Method of Linking' read the words 'or Equivalent' after the word 'Egyptian'

(4) On page 235, (a) against item No. 43, in column 3, read 'ditto'.

(b) against item No. 46, in column 7 for the figures "48-11-" read "48-11-0".

(c) against item No. 51, in column 4 for "Test 25"—12 lbs" read "Test 25"—12 lbs".

[No. 9(9)-Tex 1/49.]

M. R. KAZIMI, Textile Commissioner.

New Delhi, the 3rd May 1951

S.R.O. 674.—In exercise of the powers conferred by section 22 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the powers exercisable by it under clauses (a) and (b) of section 13, sub-section (1) of section 16 and sub-section (2) of section 19 of the said Act shall be exercisable in the State of Punjab also by the Government of Punjab.

[No. PC-2(14)/50.]

B. B. SAKSENA, Dy. Secy.

TEA CONTROL

New Delhi, the 9th May 1951

S.R.O. 675.—WHEREAS the Central Government is satisfied that the operation of sub-section (3) of section 17 of the Indian Tea Control Act, 1938 (VIII of 1938), should cease to be imposed to the extent hereinafter mentioned, inasmuch as the special licences issued in 1951 could not be utilised within the time specified in the said sub-section;

AND WHEREAS such utilisation is necessary in the interests of the Indian tea industry;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 40 of the said Act the Central Government is pleased to direct that the provisions of sub-section (3) of section 17 shall be relaxed to the extent that a special export licence applied for before the 14th day of April 1951 and issued under section 17, on or after the 1st day of April 1951, shall be valid upto the 31st day of July, 1951.

[No. 201(1)-Tea(P)/51.]

A. S. LALL, Joint Secy.

MINISTRY OF FOOD AND AGRICULTURE

AGRICULTURE

New Delhi, the 4th May 1951

S.R.O. 676.—In exercise of the powers conferred by clause 3 of the Sugar and Gur Control Order 1950, and in partial modification of the Government of India in the late Ministry of Agriculture Notification S.R.O. 1071, dated 13th December 1950, the Central Government is pleased to direct that the price of the unregistered cane purchased by the East India Distilleries and Sugar Factories, Nellikuppam, during the crushing season 1950-51, shall be Rs. 1/12/- per maund based on a sugar recovery of nine per cent. on weight of cane and a proportionately lower price for lower sugar recovery.

[No. SV-101(1)/50-51.]

S.R.O. 677.—In exercise of the powers conferred by clause 6 of the Sugar and Gur Control Order 1950, the Central Government hereby directs that the following amendment shall be made in the first proviso to the Government of India in the late Ministry of Agriculture Notifications S.R.Os. 1039, 1121, 1102, 1140, and 50 dated the 8th December 1950, 19th December, 1950, 20th December, 1950, 29th December, 1950 and 9th January 1951, respectively and Ministry of Food and Agriculture Notifications S.R.Os. 204(6a), 246 and 338, dated the 16th February, 1951, 23rd February, 1951, and 8th March, 1951, respectively, namely;

- (i) In the first line between the words "Provided that" and "price differentials" the words "the additional transport charges and" shall be inserted.
- (ii) In the third line after the words "6th December 1950", the words "as amended by Government of India in the Ministry of Food and Agriculture Notification S.R.O. 347, dated the 14th March 1951" shall be added.

[No. SV-101(1)/50-51.]

New Delhi, the 5th May 1951

S.R.O. 678.—In exercise of the powers conferred by clause 3 of the Sugar and Gur Control Order, 1950, and in partial modification of the Government of India in the late Ministry of Agriculture Notification No. S.R.O. 1001, dated the 6th December, 1950, the Central Government is pleased to fix Rs. 1/12/- per maund as the minimum price to be paid by a producer of sugar by vacuum pan process or his agent, for sugar-cane purchased by him during 1950-51 crushing season in the State of Madhya Bharat:

Provided that the Central Government may as and when considered necessary allow suitable rebate in the prescribed price to cover costs of transporting cane from producing areas by road/rail to the factory.

[No. SV-101(1)/50-51.]

S.R.O. 679.—In exercise of the powers conferred by clause 6 of the Sugar and Gur Control Order, 1950, and in partial modification of the Government of India in the late Ministry of Agriculture Notification S.R.O. 1002, dated the 6th December, 1950, the Central Government is pleased to fix Rs. 32/3/- per maund of 82.2/7 lbs. as the ex-factory price for Indian Sugar Standard E-27 grade of crystal sugar produced in 1950-51 season by the Gwalior Sugar Co., Ltd., Dabra, a vacuum pan sugar factory in the State of Madhya Bharat:

Provided that the additional transport charges and the price differentials for other grades of crystal sugar and for various grades of refined and crushed sugar shall be as specified in the late Ministry of Agriculture Notification S.R.O. 1002, dated the 6th December, 1950, as amended by Government of India in the Ministry of Food and Agriculture Notification S.R.O. 347, dated the 14th March, 1951:

Provided also that the explanations 1 and 2 given in the said Notification shall apply to this Notification.

[No. SV-101(1)/50-51.]

N. T. MONE, Joint Secy.

MINISTRY OF REHABILITATION

New Delhi, the 26th April 1951

S.R.O. 680.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made in the Permit System Rules 1949, namely:—

In the said Rules for rule 31(A), the following rule shall be substituted, namely:—

- "31 (A) (i) The Deputy High Commissioner for India in Pakistan, Dacca, may issue a transit permit to an officer of the Government of Pakistan or an officer of the Government of East Bengal, residing in East Bengal, who has to pass through the territory of India while visiting West Pakistan on official duty. Applications for such permits will be routed through the Chief Secretary to the Government of East Bengal.
- (ii) The Deputy High Commissioner for India in Pakistan, Dacca, may, on the application of any person to whom sub-rule (2) of rule 31 applies and who wants to enter India through any place in East Bengal, extend the period of validity of a transit or a temporary permit, issued by the High Commissioner for India in Pakistan, Karachi, or the Deputy High Commissioner for India in Pakistan, Lahore, for such period not exceeding two months, as he may think fit".

[No. III/PMT(73)/49-N(5).]

S.R.O. 681.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made to the Permit System Rules, 1949, namely:—

To rule 20 of the said Rules, the following Explanation shall be added, namely:—

Explanation:—In this rule, the expression "Superintendent of Police" includes the Superintendent of Police (Recovery) Punjab."

[No. III/PMT(X-1)/51-N(6).]

V. D. DANTYAGI, Joint Secy.

(Office of the Chief Claims Commissioner.)

Delhi, the 27th April 1951

S.R.O. 682.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government hereby directs that the following amendment shall be made in the Displaced Persons (Verification of Claims) Rules, 1950.—

In Rule 22 of the said Rules the following words shall be added at the end namely:—

"Claims Commissioner, Joint Chief Claims Commissioner, Chief Claims Commissioner or any other revisional authority."

[No. 2(6)/CCC/G-50.]

S. B. CAPOOR, Joint Chief Claims Commissioner
and Joint Secy.

New Delhi, the 3rd May 1951

S.R.O. 683.—In exercise of the powers conferred by clause (e) of sub-section (3) of section 56 of the Administration of Evacuee Property Act, 1950 (No. XXXI of 1950), the Central Government hereby notifies that the books of accounts maintained by the Custodians of Evacuee Property will be audited by the Comptroller and Auditor General of India in such manner as may be prescribed by him in this behalf from time to time.

[No. F.36(2)/51-Property.]

KAILASH CHANDRA, Under Secy.

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 2nd May 1951

S.R.O. 684.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

In rule 183 of the said Rules, for clause (aa) the following clause shall be substituted, namely:—

“(aa) Coal Mines Provident Fund Commissioner, provided that the articles posted by him relate solely to the business of the said Fund”.

[No. C.28-13/50.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF TRANSPORT

PORTS

New Delhi, the 3rd May 1951

S.R.O. 685.—In pursuance of section 9 of the Madras Port Trust Act, 1905 (Madras Act II of 1905), the name of the following person who has been elected as Trustee of the Port of Madras for a period of two years from the 13th April 1951 is, hereby published for general information:—

Shri G. Srinivasa Reddi. . . Elected by the Andhra Chamber of Commerce.

[No. 13-P.I(15)/51.A.]

S.R.O. 686.—In pursuance of section 9 of the Madras Port Trust Act, 1905 (Madras Act II of 1905), the name of the following person who has been elected as Trustee of the Port of Madras for a period of two years from the 27th April, 1951 is hereby published for general information:

Shri P. V. Rama Rao Gupta . . . elected by the Andhra Chamber of Commerce.

[No. 13-P.I(15)/51.B.]

T. S. PARASURAMAN, Dy. Secy.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY

New Delhi, the 4th May 1951

S.R.O. 687.—The following draft of a further amendment to the Cinematograph Film Rules, 1948, which it is proposed to make in exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), is published as required by sub-section (2) of section 29 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 31st May 1951. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft amendment.

In the said Rules, for the first proviso to rule 18, the following proviso shall be substituted, namely:—

“Provided that no licence shall be required for the storage of film—

(a) in any quantity not exceeding 200 lbs in any place licensed under the Cinematograph Act, 1918 for the giving of exhibition by means of a cinematograph, or

(b) in any quantity not exceeding 20 lbs. if the film is kept in prescribed containers and in a well ventilated room which is not used as a living room."

[No M-108.]

N. P. DUBE, Under Secy.

MINISTRY OF LABOUR

ORDERS

New Delhi, the 2nd May 1951

S.R.O. 688.—Whereas an industrial dispute has arisen or is apprehended between Messrs Mackinnon, Mackenzie and Co., Managing Agents of British India Steam Navigation Company Limited, Calcutta, and their workmen in respect of the matters specified in the Schedule hereto annexed:

And, whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal at Calcutta, constituted under section 7 of the said Act.

SCHEDULE

1. Payment to the permanent and monthly paid winchmen of diet allowance and increased dearness allowance which are at present paid to similar categories of workers of the Company working on board the ship side by side with the winchmen.

2. Filling up of the vacancies in the cadre of monthly paid and permanent winchmen with a view to provide chances of promotion to the Company's extra winchmen.

3. Grant to the extra winchmen appointed through Majid and Company the status of the Company's direct employees.

[No. LR.3(146).]

S.R.O. 689.—Whereas an industrial dispute has arisen between the Bank Line (India) Ltd., Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Central Government Industrial Tribunal at Calcutta, constituted under Section 7 of the said Act

SCHEDULE

1. Whether the Bank Line Ltd. were justified in refusing to increase the emoluments of their tally clerks by Rs. 1/4/-, unlike the Stevedores and certain other Shipping Companies who have granted similar increase to their staff consequent upon the recent agreement between the Master Stevedores' Association and the Dock Mazdoor Union. If not, whether they should pay this to their tally clerks.

2. Whether the Bank Line Ltd. is justified in withdrawing the practice of tallying of bulk wheat by their own tally clerks and in refusing to allow such work as delivery and wagon tallying etc which had hitherto been done by these tally clerks. If not, whether these elements of their normal work should be restored to the tally clerks.

[No. LR-3(153).]

New Delhi, the 3rd May 1951

S.R.O. 690.—Whereas an industrial dispute has arisen between the New India Assurance Company Limited, Calcutta, and Shri Nagendra Nath Bhattacharya, a workman of its Patna Branch, in the matter of the termination of his services;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Central Government Industrial Tribunal at Dhanbad, constituted under section 7 of the said Act

[No. LR.90(102).]

S.R.O. 691.—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948), the Central Government hereby directs that the following further amendment shall be made in the Coal Mines Provident Fund Scheme published with the notification of the Government of India, in the Ministry of Labour No. P.F. 15(5)/48, dated the 11th December 1948, namely:—

In the said Scheme:

For paragraph 68, the following paragraph shall be substituted, namely:—

“68. Annual Report on the Working of the Scheme:—

The Board shall submit to the Central Government by the 30th June each year a report on the working of the Coal Mines Provident Fund Scheme during the previous financial year.”

[No. PF2(4)/51.]

New Delhi, the 4th May 1951

S.R.O. 692.—In pursuance of sub-paragraph (1) of paragraph 3 of the Coal Mines Provident Fund Scheme published with the Notification of the Government of India in the Ministry of Labour No. P.F.15(5)/48, dated the 11th December 1948, the Central Government hereby nominates Shri Dukhabandu Mishra, President, Dara Colliery Labour Union, Talcher (Orissa) as a member of the Board of Trustees of the Coal Mines Provident Fund constituted by the Notification of the Government of India, in the Ministry of Labour No. P.F.15(13), dated the 12th April, 1950, *vice* Shri B. P. Sinha.

[No. P.F.15(13)/51.]

New Delhi, the 5th May 1951

S.R.O. 693.—In exercise of the powers conferred by sub-clause (1) of clause 5 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1951, the Central Government hereby appoints the Bombay Stevedores' Association as the Administrative Body for the purpose of carrying on the day-to-day administration of the said Scheme.

[No. Fac.73(25).]

S. NEELAKANTAM, Dy. Secy.

New Delhi, the 4th May 1951

S.R.O. 694.—In exercise of the powers conferred by section 16 of the Tea Districts Emigrant Labour Act, 1932 (XXII of 1932), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, No. AL.135/EMG(58), dated, the 1st March 1951, namely:—

In the said notification for the words and figures “the 1st May, 1951”, the words and figures “the 15th May, 1951”, shall be substituted.

[No. AL.135/EMG(58).]

SADASHIVA PARSAD, Dy. Secy.

New Delhi, the 12th May 1951

S.R.O. 695.—The following draft of a scheme for the Port of Madras, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948, (No. IX of 1948), is published as required by sub-section 2 of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 20th June 1951.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

DRAFT SCHEME.

THE MADRAS DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME 1951.

1. Name of the Scheme.—This Scheme may be called the Madras Dock Workers (Regulation of Employment) Scheme, 1951, and is hereinafter referred to as "the Scheme."

2. Objects and Application.—(1) The Objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

(2) The Scheme relates to the Port of Madras and shall apply to the classes or descriptions of dock work and dock workers set out in the Schedule annexed to the Scheme:

Provided always that the Scheme shall not apply to any dock worker unless he is employed or registered for employment in connection with the loading, unloading, movement or storage of cargoes or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port.

(3) The Scheme shall apply to registered dock workers and registered employers.

3. Interpretations.—In this Scheme, unless there is anything repugnant in the subject or context—

- (a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948);
- (b) "Administrative Body" means the Authority appointed under clause 5;
- (c) "Board" means the Board constituted under clause 4;
- (d) "cargo" and "dock worker" have the meanings respectively assigned to them in the Act;
- (e) "daily worker" means a registered dock worker who is not a monthly worker;
- (f) "dock employer" means the person by whom a dock worker is employed or is to be employed;
- (g) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (h) "employer's register" means the register of dock employers maintained under the Scheme;
- (i) "monthly worker" means a registered dock worker who is engaged by a registered employer under a contract which requires at least one month's notice for its termination;
- (j) "register or record" means the register or record of dock workers maintained under the Scheme;
- (k) "registered dock worker" means a dock worker whose name is for the time being entered in the register or record;
- (l) "registered employer" means a dock employer whose name is for the time being entered in the employer's register;
- (m) "reserve pool" means registered dock workers who are available for work, and who are not at any time in the employment of a registered employer;
- (n) "week" means the period commencing from mid night of Saturday and ending on the midnight of the next succeeding Saturday;
- (o) "Special Officer" means the special officer appointed under clause 6.

4. Madras Dock Labour Board.—Establishment of.—(1) The Central Government shall, by notification in the official Gazette, constitute a Board to be called the "Madras Dock Labour Board" which shall, subject to the provisions hereinafter contained, be responsible for the administration of the Scheme.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Board shall consist of nine members to be appointed by the Central Government and shall include an equal number of members representing—

- (i) the Central Government,
- (ii) the dock workers, and
- (iii) the employers of dock workers.

(4) The Chairman of the Board shall be nominated by the Central Government from among the members representing the Government and the Vice-Chairman of the Board shall be elected by the members of the Board from among themselves.

(5) The persons representing respectively the dock workers and the employers shall be appointed after consulting such Associations of persons as appear to the Central Government to be representative of such workers and such employers.

(6) There shall be paid to the non-official members of the Board such salaries, fees and allowances as may be subject to the approval of the Central Government, be determined by the Board, from time to time.

(7) The members of the Board shall hold office for three years and shall be eligible for re-appointment. A member appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of the person in whose place he is appointed.

(8) No act done by the Board shall be questioned merely on the ground of the existence of any vacancy in, or defect in the constitution of, the Board.

(9) The quorum and procedure of the Board shall be such as the Board may from time to time determine.

(10) If any question arises for the decision of the Board, it shall be decided by a resolution of the majority of the members of the Board present and voting.

5. Administrative Body.—(1) The Central Government may, by notification in the Official Gazette, appoint the Madras Stevedores' Association or any other authority for the purpose of carrying on the day to day administration of the Scheme.

(2) The Administrative Body shall subject to the supervision and control of the Board and subject to the provisions of clause 9 carry on the day-to-day administration of the Scheme.

(3) The Central Government may for sufficient cause remove any authority appointed under sub-clause (1):

Provided that no such authority shall be removed unless it has been given a reasonable opportunity of being heard.

6. Special Officer and other servants of the Board.—The Board may appoint a Special Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post carrying a salary of rupees five hundred per mensem or more, shall be created and no appointment to such post shall be made by the Board except with the previous approval of the Central Government.

7. Functions of the Board.—(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2, including measures for:

- (a) ensuring the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turnaround of vessels and the speedy transit of goods through the port;

- (b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers to registered employers;
- (c) determining and keeping under review in consultation with the Administrative Body the number of registered employers and registered dock workers from time to time on the registers or records and the increases or reductions to be made in the numbers in any such registers or records;
- (d) keeping, adjusting and maintaining the employers' registers entering or re-entering therein the name of any dock employer and where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (e) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of dock workers including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;
- (g) making satisfactory provision for the training and welfare of registered dock workers including medical services, in so far as such provision does not exist apart from the Scheme;
- (h) levying and recovering from registered employers contributions in respect of the expenses of the Scheme;
- (i) making satisfactory provision for health and safety measures in places where dock workers are employed in so far as such provision does not exist apart from the Scheme;
- (j) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of benefit to the members of the Board; provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board.

(3) The Board shall cause proper accounts to be kept of the costs of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government an annual report on the working of the Scheme and an audited balance sheet.

3. Functions of the Administrative Body.—Without prejudice to the powers and functions of the Board, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) the keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (b) the keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any register or record of dock workers who are temporarily not available

for dock work and whose absence has been approved by the Administrative Body and, where circumstances so require, removing from the register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;

(c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;

(d) the grouping or re-grouping of registered dock workers in accordance with instructions received from the Board in such groups as may be determined by the Board;

(e) the allocation of registered dock workers who are available for work to registered employers and for this purpose the Administrative Body shall—

(i) be deemed to act as an agent for the employer,

(ii) make the fullest possible use of registered dock workers in the Reserve Pool,

(iii) keep the record of attendance, at call stands or control points, of registered dock workers,

(iv) provide for the maintenance of the records of employment and earnings,

(v) subject to the allotment of work by rotation under clause 21(3), follow the principle of seniority, i.e., a worker shall not be allocated unless all registered workers of the same category above him in the register have been allocated;

(f) (i) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer, and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;

(ii) the payment of the employer's contribution to any scheme of insurance constituted under any Act in respect of daily workers and the custody and stamping of their insurance books or cards.

(iii) the payment of the employer's contribution to any scheme of Provident Fund established for daily workers;

(g) appointing, subject to budget provision, such officers and servants from time to time as may be necessary:

Provided that the creation of posts carrying a pay of Rs. 250 or over per month and appointment of persons to such posts shall be subject to the prior approval of the Board.

(h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;

(i) the framing of budget annually and for getting it approved by the Board; and

(j) such other functions as may from time to time be delegated to it by the Board.

9. Functions of the Special Officer.—(1) The Special Officer shall discharge all functions relating to disciplinary action against registered employers and daily workers and shall in particular be responsible for taking action under clauses 35, 36 and 37.

(2) The Board may entrust the Special Officer either of its own motion or at the instance of the Administrative Body such other functions as the Board may deem fit.

10. Maintenance of Registers, etc.—(1) **Employers' Register.**—(a) There shall be a register of employers.

(b) In so far as the application of the Scheme to stevedore labour is concerned, every stevedore, who is licensed by the Madras Port Trust at the time when the

Scheme is put into operation and who has worked as a stevedore in the Port of Madras at any time during the preceding two years shall be entitled to be registered under the Scheme; but no such person shall be so entitled unless he applies for registration on or before the date fixed by the Board for this purpose.

(c) Persons other than those registered under sub-clause (b) shall not be registered as stevedores unless the Board considers it expedient and necessary to do so and in no case shall a person be registered until he has been licensed in that behalf by the Port Authority.

(d) A registration fee of Rs. 400 shall be payable to the Board by every stevedore.

(2) Workers' Registers.—(1) The registers shall be maintained in the forms devised by the Registration Committee and approved by the Board for the purpose.

(2) The registers of stevedore workers shall be as under, namely:—

(i) *Monthly Register*—Register of workers who are engaged by each stevedore on contract on monthly basis and who are known as monthly workers.

(ii) *Reserve Pool Register*—Register of workers other than those on the monthly register. This register shall include a pool of junior stevedore workers to fill casual vacancy in gangs. No vacancy occurring in the Reserve Pool Register shall be filled by the Administrative Body until the appropriate Employment Exchange has indicated its inability to supply suitable applicants.

11. Classification of workers in Registers.—(1) The Registration Committee shall arrange for the classification of workers by categories in the registers.

(ii) Stevedore labour shall be classified in the following categories:—

- (a) Foreman (Serang).
- (b) Tindal.
- (c) Winchman.
- (d) Stevedore worker

12. Fixation of number of workers on the register.—The total number of workers in each category shall be determined by the Board in consultation with the Port Authority and the Administrative Body.

13. Registration of existing and new workers.—(1) Any dock worker who, immediately before the coming into force of the Scheme, is in the employment of any employer to whom the Scheme applies, shall be eligible for registration.

(2) New workers will be selected for registration by the Registration Committee out of the list submitted by the Employment Exchange. The qualifications for such selection shall be age not exceeding forty years, physical fitness, capacity and/or experience. Preference will be given to Indian citizens.

(3) New workers to be selected for registration will be on probation for a period of three months before being placed on a permanent basis in the registers.

14. Transfer of Workers.—(1) A vacancy in any category of workers in a register shall ordinarily be filled by promotion of a worker from the next lower category.

(2) A vacancy in any category of monthly workers may be filled by transfer of a senior worker in the same or a superior category of the Reserve Pool workers only if no person is suitable for promotion from lower categories of monthly workers.

Explanation.—The criteria for promotion or transfer shall ordinarily be the following, viz:—

- (a) seniority,

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(b) merit and fitness for work in the category to which promotion is to be made,

(c) record of past service.

(3) If the services of a monthly worker are terminated by the employer he shall be entitled to registration in the Reserve Pool in a similar category and his previous service shall be reckoned for all benefits in the Reserve Pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of previous service as if such service had not been terminated unless the Board decides that for some special reason the worker is unfit to be re-employed as a dock worker. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

15. Medical Examination.—If the Administrative Body deems it necessary, a worker shall undergo free of charge medical examination by a Medical Board to be constituted by the Board.

16. Facilities for Training.—Adequate facilities for training shall be provided for workers by the Board.

17. Registration Fee.—A registration fee of Rupees two shall be payable to the Board by each worker.

Provided however that the fee for workers registered at the commencement of the Scheme shall be Rupee one.

18. Supply of Cards.—(1) Every registered worker shall be supplied, free of cost, with the following cards in the forms prescribed by the Board, namely:—

(i) Identity Card.

(ii) Attendance and Wage Card.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof, which will be fixed by the Board, shall be payable by the worker concerned.

19. Surrender of Cards.—A worker's card shall be surrendered to the Administrative Body in the following cases and circumstances, namely:—

(a) when proceeding on leave,

(b) when retiring from service,

(c) when dismissed or discharged from service,

(d) when temporarily suspended,

(e) on death.

20. Employment of Workers.—(1) Workers on the Monthly Register attached to a registered employer shall be entitled to be employed by that employer in preference to any worker in the Reserve Pool Register.

(2) For work which cannot be done by those on the Monthly Register, workers on the Reserve Pool Register shall be employed.

21. Employment in Shifts.—(1) Workers will be employed in shifts.

(2) Workers will not ordinarily be employed in two consecutive shifts in a day and in no case will workers on the Monthly Register be employed on a second shift so long as workers in a similar category are available on the Reserve Pool Register for work in that shift.

(3) Workers of each category on the Reserve Pool Register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

22. Filling up of Casual Vacancies.—Casual vacancies in the Monthly and Reserve Pool Gangs will be filled up in the following manner:—

When a tindal is absent, the senior man in the same gang will work as a tindal.

In the vacancies of workers in the gangs, workers from the Reserve Pool will be employed by rotation.

23. Guaranteed Minimum Wages.—A worker on the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above.

24. Attendance Wages.—Subject to the provisions of the Scheme, a worker on the Reserve Pool Register who is available for work but for whom no work is found shall be paid attendance wages at the rate of Rupee one per day for the days on which no work was found for him during a calendar month. Provided that no attendance wages will be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 23 or otherwise or for which disappointment money is paid under clause 26.

25. Employment for a Shift.—No worker in the Reserve Pool Register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid for the entire shift.

26. Disappointment Money.—When a worker in the Reserve Pool presents himself for work and for any reason beyond the control of the employer, the work for which he has attended cannot proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he will be entitled to disappointment money equal to half the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full wages (inclusive of dearness allowance).

27. Appeal Tribunal.—(1) The Central Government shall appoint one or more Appeal Tribunals for the purposes of hearing appeals under the Scheme.

(2) The Appeal Tribunal shall consist of not more than three persons, who shall not be members of the Board.

28. Registration Committee.—The Board may appoint one or more Registration Committees, to whom it may delegate such duties as it may think fit in relation to the registration both of dock workers and of employers of dock workers.

29. Obligations of registered dock workers.—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the Reserve Pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

(4) A registered dock worker available for work in the employment of the Board shall carry out the directions of the Administrative Body and shall—

(a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points for such period, not exceeding one hour from the commencement of the shift, as may be so specified;

(b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.

(5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer and the rules of the port or place where he is working.

30. Obligations of registered employers.—(1) Every registered employer shall accept the obligations of the Scheme.

(2) A registered employer shall not employ a worker other than a worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 8(e).

(3) Unless otherwise directed by the Administrative Body a registered employer shall, on the engagement of a registered dock worker who is available for work, obtain his record book or wage card and stamp it in respect of each period of work and return it to him at the conclusion of his engagement.

(4) A registered employer shall in accordance with arrangements made by the Administrative Body, submit all available information of his current and future labour requirements.

(5) A registered employer shall, in accordance with directions given by the Administrative Body, lodge with the latter a return of the gross wages (including overtime and allowances and without deductions of any kind) due from him to each registered dock worker engaged by him in respect of the period covered by the return.

(6) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the total amount of the gross wages due to daily workers specified in the return made under the preceding paragraph.

(7) A registered employer shall keep such records as the Board may require, and shall produce to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto, as may be set out in any notice or direction issued by or on behalf of the Board.

31. Restriction on employment.—(1) No person other than a registered employer shall engage for employment or employ any worker on dock work nor shall a registered employer engage for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause—

(a) where the Administrative Body is satisfied that—

(i) dock work is urgently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work,

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange organisation shall, as far as possible, be consulted.

(b) in the case referred to in sub-paragraph (a) the person so employed as aforesaid by a registered employer shall, for the purposes of clause 30(5), (6) and (7) and clause 33, be treated in respect of that dock work as if he were a daily worker.

32. Circumstances in which the Scheme ceases to apply.—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligation incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

33. Wages, allowances and other conditions of service.—It shall be an implied condition of the contract between a registered dock worker (whether monthly or daily), and a registered employer that—

(a) the rates of wages, allowances, and overtime, hours of work, rest intervals holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers.

- (b) the fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

34. Pay in respect of unemployment or underemployment.—(1) Subject to the conditions set out in this and the next following clause, when, in any wage period, a registered dock worker in the Reserve Pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 23, 24 and 26.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

- (a) he attended as directed at the call stands or control points or was excused from attendance; and
- (b) his attendance or his excused attendance was recorded.

35. Disentitlement to payment.—(1) A registered dock worker available for work who while in the Reserve Pool fails without adequate cause to comply with the provisions of clause 29(4)(a) or (b), or fails to comply with any lawful order given to him by or on behalf of the Board, may be reported in writing to the Special Officer.

(2) A registered dock worker in the Reserve Pool available for work who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 29(5) or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the Reserve Pool, and, whether or not he is so returned may be reported in writing to the Special Officer. When a registered dock worker is so returned to the Reserve Pool, his record book or wage card shall be returned to the Administrative Body.

(3) The Special Officer shall consider any written report received under paragraph (1) or (2) and if, after investigating the matter, he notifies the registered dock worker and the Administrative Body that he is satisfied that the registered dock worker has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment under clause 34 as the Special Officer thinks fit in respect of the wage period in which such failure occurred or continues.

36. Disciplinary procedure.—(1) The Special Officer, on receipt of information, whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme, and after investigating the matter, may take any of the following steps as regards that employer, that is to say he may—

- (a) give the registered employer a warning in writing;
- (b) subject to the approval of the Board and after one month's notice in writing given to the registered employer by the Special Officer inform the Administrative Body that the name of the registered employer shall be removed from the employers' register for such period as determined by the Board

(2) A registered dock worker in the Reserve Pool who is available for work and fails to comply with any of the provisions of the Scheme, may be reported in writing to the Special Officer who may, after investigating the matter and without prejudice to and in addition to the powers conferred by clause 35, take any of the following steps as regards that worker, that is to say, he may—

- (a) determine that, for such period as he thinks proper, that worker shall not be entitled to any payment under clause 34;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days;
- (d) give him fourteen days' notice of termination;
- (e) dismiss him.

(3) Before any action is taken under sub-clause (1) or (2), the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(4) The Administrative Body shall be informed simultaneously about the action taken under sub-clauses (1) and (2).

37. Termination of employment.—(1) The employment of a registered dock worker in the Reserve Pool who is available for work shall not be terminated by the Special Officer except—

- (a) by dismissal in the case of misconduct; or
- (b) by giving him fourteen days' notice in writing for any other justifiable cause; or
- (c) so as to enable the worker to be employed in accordance with the provisions of the Scheme.

(2) A registered dock worker in the Reserve Pool who is available for work shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or except where he is to be employed in accordance with the provisions of the Scheme.

(3) Where the employment of a registered dock worker by the Board, has been terminated under paragraph (1)(a) or (b), or under paragraph (2) by a notice given by him, his name shall forthwith be removed from the register or record by the Administrative Body.

38. Appeals to Appeal Tribunal.—(1) If a registered dock worker who is available for work is aggrieved by any order under which he—

- (a) is not entitled to any payment under clause 34 by reason of any of the grounds specified in clause 35 or 36; or
- (b) is suspended from the Scheme; or
- (c) is not properly grouped or regrouped in the register or record; or
- (d) is to be removed from the register or record under paragraphs (1) (a) and (3) of clause 37; or
- (e) is to be given a notice of termination of his employment in accordance with paragraph (1) (b) of clause 37:

he may, within seven clear days of the date of the order or, as the case may be, of the date of the receipt of the notice terminating his employment, prefer an appeal in writing to the Appeal Tribunal:

Provided that the Appeal Tribunal may, for reasons to be recorded, admit an appeal preferred after the expiry of seven days:

Provided further that no such appeal shall lie where due notice has been given of the removal of the name of the registered dock worker from the register or record in accordance with the instructions of the Board. If the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof:

Provided further, that an appeal shall lie where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the preceding proviso.

(2) The Appeal Tribunal shall, as soon as practicable, hear and decide the appeal, and if the appeal is allowed it shall have power to order that the appellant shall be entitled to receive any payment or any part thereof which may be held to be due to him under clause 34 or that he shall be regrouped in accordance with the decision of the Tribunal from such date as it may fix or that his name shall be restored in the register or record as from such date as it may fix. The Appeal Tribunal shall also have the power to vary, modify or alter the penalty imposed but it shall not have power to increase any penalty imposed or to impose a more severe penalty.

(3) An appellant shall not be entitled to be represented by a legal practitioner before the Appeal Tribunal but he shall be entitled to be represented by a representative of the registered Trade Union of which he is a member or by a registered dock worker.

(4) The decision of a majority of an Appeal Tribunal shall be the decision of the Tribunal and shall be final and conclusive. Such decision shall be forthwith given effect to by the Board and the Administrative Body.

39. Appeal to Board.—(1) A registered employer who is aggrieved by an order,

(a) giving him a warning in writing under clause 36(1) (a),

(b) directing a notice to be given to him under clause 36(1) (b) that his name will be removed from the employers' register,

may within seven clear days of the date of the order or as the case may be, the date of the receipt of the notice of removal from the employers register, prefer an appeal to the Board, who shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) A stevedore or a worker who has been refused registration under clause 10(1) (b), clause 10(1) (c) or clause 13 as the case may be, shall have a right of appeal to the Board within seven clear days of the date of such refusal and if the original refusal is by the Board the appeal shall lie to the Appeal Tribunal.

(3) A registered dock worker in the Reserve Pool who is aggrieved by an order of the Administrative Body, made under clause 29 (4) (b), requiring him to undertake any work, which is not of the same category to which he belongs, may prefer an appeal to the Board within seven clear days of the date of such order.

40. Suspension of notice in case of certain appeals.—Where an appeal is lodged in accordance with the provisions of clause 38, the Appeal Tribunal may suspend the operation of the order appealed from (except where the order is of dismissal or of disentitlement under clause 35) pending the hearing and disposal of the appeal.

41. Cost of operating the Scheme.—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board in the manner following:—

Every registered employer shall pay to the Board—

(a) such amount, whether by way of percentage on the gross wages payable by him under clause 30 (6) or as otherwise agreed, together with and at the same time as the payment of those wages; and

(b) at the same time as the payment under sub-paragraph (a), such amount whether by way of percentage on the gross wages shown as due to monthly workers in the return made under clause 30 (5) or as otherwise agreed;

as the Board may in either case from time to time notify by public notice.

(2) In determining what payments are to be made by registered employers under paragraph (1) of this clause, the Board may fix different percentages for different categories of work or workers, provided that the percentages shall be so fixed that the like percentages will apply to all dock employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding fifty percent of gross wages without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the purposes of the payment of the gross wages set out in clause 30 (6) and the percentage payments set out in paragraph (1) (a) and (b) of this clause, as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board all such statistical and other information as may reasonably be required relating to the operation and finance of the Scheme.

42. Penalties.—A contravention of clause 31 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of a subsequent contravention or with fine not exceeding five hundred Rupees in respect of a first contravention or one thousand Rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

THE SCHEDULE

[See clause 2(2)]

Classes or descriptions of dock work and dock workers to which the Scheme applies.

1. Stevedoring work other than coal work.
2. The following categories of stevedore workers.—
 - (I) Foreman (Serang),
 - (II) Tindal;
 - (III) Winchman;
 - (IV) Stevedore worker.

[No. Fac.76(1).]

S. NEELAKANTAM, Dy. Secy.